

Mr. Bill Need called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 3, 2002.

PRESENT: Rick Kessler  
William Need  
David Roberts  
Frank Zuazo

ALSO PRESENT: Mark Stimac  
Pam Pasternak

ABSENT: Ted Dziurman

### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 5, 2002**

Motion by Kessler  
Supported by Roberts

MOVED, to approve the minutes of the meeting of June 5, 2002 as written.

Yeas: 4 – Kessler, Need, Roberts, Zuazo  
Absent: 1 – Dziurman

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUESTED. RICHARD INEZ, 6684 MICHAEL**, for relief of Chapter 83 to erect a 4' high aluminum fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to erect a 4' high aluminum fence. This lot is a double front, through lot. As such, it has a required front yard along both Michael and Livernois. Chapter 83 limits the height of fences in required front yard setbacks to 30". The site plan submitted indicates a 4' high aluminum fence in the required front setback along Livernois.

Mr. & Mrs. Richard Inez were present. Mr. Inez submitted a revised drawing due to the fact that they wish to put a pool in the backyard and therefore, their plans have changed slightly. Mr. Inez stated that this fence would be decorative and would be hidden behind an existing berm. Mr. Inez further stated that he would like to protect both his family and pets from the traffic on Livernois Road. Mr. Inez also said that he had received written approval from the Homeowner's Association for this fence.

Mr. Need opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no objections on file.

Mr. Stimac explained to the Board that based on the site plan the 15' easement on the eastern most part of the site is a greenbelt area and the 20' easement is a public utility easement.

**ITEM #2 – con't.**

Mr. Kessler questioned as to whether or not the fence could be placed between both easements and Mr. Inez stated that a 15' setback would have the fence constructed right through the existing pine trees and mulch. Mr. Inez went on to say that a 17' setback would allow the fence to clear both the pine trees and mulch.

Mr. Need asked Mr. Inez if he planned on putting in a gate at the back of the property due to the fact that he would be responsible for maintaining the berm, and Mr. Inez stated that although he wasn't planning on adding a gate, he did not have a problem with putting one in.

Motion by Kessler  
Supported by Roberts

MOVED, to grant Richard Inez, 6684 Michael, relief of Chapter 83 to erect a 4' high aluminum fence with a 17' setback to the property line along Livernois.

- Fence will provide privacy and protection for the petitioner.
- A gate will be provided for maintenance of the property.
- This variance is not contrary to public interest.

Yeas: 4 – Kessler, Need, Roberts, Zuazo  
Absent: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

**ITEM #3 – VARIANCE REQUESTED. CHARLES SNELL, 2987 WINTER,** for relief of Chapter 83 to erect a 6' high privacy fence.

Mr. Stimac stated that the petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. This lot is a double front corner lot. As such, it has a front yard along Winter and Dequindre. Chapter 83 limits fences in required front yard setbacks to 30" in height. The site plan submitted indicates a 6' high privacy fence in the required front setback along Dequindre.

Mr. Charles Snell was present and submitted a drawing to the Board showing the proposed location of the fence. Mr. Stimac stated that this drawing indicated that the fence would be placed 12' from the rear property line and thought that it would not be in line with other fences in the area. Mr. Snell stated that he planned on having the fence erected in line with the other fences in the area. Mr. Snell also stated that he had a field study done and this drawing was in line with his neighbors.

Mr. Snell further stated that he wants the fence to provide protection and privacy for his family from Dequindre Road. Mr. Snell went on to say that there are quite a few accidents at the corner of Winter and Dequindre and he concerned for the safety of his

**ITEM #3 – con't.**

newborn son. Mr. Snell also pointed out that he had taken many pictures of fences along Dequindre Road, and feels that his fence will be in line with these fences.

Mr. Jim Mahon, the fence contractor for Mr. Snell stated that this would be a white cedar fence and would be aesthetically pleasing to the neighbors in the area. Mr. Mahon further stated that they have used this same material in a great many of other fences in the Troy area and they are very nice.

Mr. Need opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections.

Mr. Kessler stated that the Board liked to see landscaping added to the fence line, in order to break up the line of fencing; however was not sure that the lot was large enough to support additional landscaping. Mr. Need asked what the size of this lot was, and Mr. Stimac stated that it is in the R-1D Zoning District and the lots are approximately 8500 square feet. Mr. Stimac also stated that it appears that this lot is 75' x 116'.

Mr. Snell stated that he was not aware that landscaping was necessary, and felt that if he had to put it in it would make his property look out of place. Mr. Kessler stated that the Board has changed their requirements when granting a variance to add landscaping. Mr. Need stated that he felt that if the fence were constructed with a 6' setback from the sidewalk that would provide enough room for landscaping to be added. Mr. Need explained that the Board feels that this landscaping would enhance the look of the property. Mr. Kessler stated that he agreed with Mr. Need's statement. Mr. Snell said that if he was required to put in additional landscaping, he would be the only one in Troy that was required to do so, and was hoping that he would be able to stay more consistent with his neighbors. Mr. Snell went on to say that his main concern is for the safety of his son, and if this stipulation was added to his request, he would put in the landscaping. Mr. Kessler suggested that he talk to Mr. Ron Hynd of the Parks and Recreation Department, to determine what type of landscaping he could add.

Motion by Need  
Supported by Kessler

**ITEM #3 – con't.**

MOVED, to grant Charles Snell, 2987 Winter, relief of Chapter 83 to erect a 6' high privacy fence in the front setback along Dequindre.

- Fence would be extended to the back property line.
- Require a 6' landscape area between the sidewalk and the fence.
- Owner will be responsible for maintaining the property between the sidewalk and fence.
- Landscape materials in the form of some type of evergreen or hedge will be provided.

Yeas: 4 – Zuazo, Roberts, Kessler, Need

Absent: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 8:55 A.M.

MS/pp